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1680

THE CASE OF JAMES PERCY,

The true Heir-Male and Claimant to the
Earldom of Northumberland,

To the Honourable *Knights, Citizens, and Bur-*
gesses; And to the *Committee of Grievances,*
in PARLIAMENT Assembled.

The Humble Petition of JAMES PERCY, Cozen and next Heir-
Male to JOSCELIN PERCY, the late and Eleventh EARL
of NORTHUMBERLAND, Deceased.

SHEWETH,

THAT your Petitioner was the Son of *Henry Percy*, who was the Son of *Henry Percy*, who was the Son of *Sir Ingleram Percy*, who was the third Son of *Henry Percy*, Fifth Earl of *Northumberland*: By which Descent your Petitioner is Entitled to the *Earldom of Northumberland*, and to several *Baronies, Honours, Manors and Lands*, which to the *Earldom and Baronies* have been and still are annexed; your Petitioner having proved his Pedigree, questions not but by your Assistance to make appear they are, or should be his Right, and Just Inheritance, as Cozen and Heir-Male to *Joscelin* late Earl afore-mentioned: And therefore ought to sit in *Parliament*, and enjoy the Place, Seat and Preheminence of his Ancestors, with the Dignities to him so descended, and do of Right belong: And therefore prays his Bill may be made an Act to settle the Title and Estate together again, that Property and Right may be had according to Justice.

That at his first coming to Claim, your Petitioner petitioned the Kings most Excellent Majesty, who was graciously pleased to say, *God forbid We should hinder an Heir, but that he should have the benefit of the Law.*

That your Petitioner applyed himself to the Lords in Parliament, where he then could not prove his Great Grandfather, which forc'd his Council to tell
A their

their Lordships, That the Claimants Cause lay not before them, but ought to be Tryed at the Common Law first; and when the Cause had went through the Inferiour Courts to prove his Pedigree, and if the Law could not end it, then the Cause ought to come before their Lordships again, to Hear, Debate, and to Determine. And at that time his potent Adversaries did publish in the *Gazette*, that your Petitioner was an Impostor; and at their Courts did declare to all the Tenants, that the Claimants name was not *Percy*, but that he was a *Bastard*; and that *Henry Percy* whom he declared was his Father, they could prove was never Married: Yet they have made all the Waste imaginable, cutting down Woods, pulling down Castles, over-working of Lead-Mines and Coal-Mines; and not only so, but it cast the Petitioner out of Favour in the World, that His most Excellent Majesty was pleased to give the Title one way, and the Land several ways; which hath not only multiplied Enemies, but by their Power, Policy and Priviledge, hath put off your Petitioner near Eleven Years.

Therefore your Petitioner renders this following Account, that his Just Cause may be known, what hard usage he hath found at Law. That the first Tryal was in the year 1674. against Mr. *John Clerke*, the chief Agent, for scandalous words, who shelter'd under Priviledge a long time; and before the Tryal, they offer'd to Own him, and to assist the Claimant *James Percy* with their Books, Pedigree and Records, but would not be bound to perform: Then the Plaintiff perceived it to be a baffle for a longer delay, and there were no good Faith in them; then said the Plaintiff, *Curat Lex*, I will have the Tryal if it be but to wash the dirt off, which the *Gazette* and your evil practices have thrown upon me: And at the Tryal, the Attorney would suffer a Non-suit, without the consent of his Client; at which the Lord Chief Justice *Hales* seemed not to be satisfied, but stood up and said, That *James Percy* the Claimant and Plaintiff, had proved himself a true *Percy*, legitimate by Father and Mother, Grandfather and Grandmother, and of the Bloud and Family of the *Percies* of *Northumberland*; and did verily believe, that the Plaintiff was Cozen and next Heir-Male to *Joscelin* the late and 11th Earl of *Northumberland*, only he was afraid he had taken his Descent a little too low: And the Jury at a Treat which Mr. *Clerke* the Defendant gave them, said to Mr. *Clerke*, You are beholden to Mr. *Percy* for suffering a Non-suit, for truly we must have given a Verdict for the Plaintiff, his Cause was proved so clear: and the Damages was laid in the Declaration 10000 l.

The second Tryal was upon an Ejectment for *Cannington* and *Rodoway* Lands in *Somersetshire*, which Lands of right fell to the Heirs-Males of the *Percies*, after the Heirs-Males of the *Rogers* was extinct: Doubtless it was by mis-information his Majesty was mistaken in his Gifts: And at that Tryal the Pedigree was fully proved up to the Plaintiffs Great-Grandfather Sir *Inglaram Percy*, youngest Son of *Henry Percy* 5th Earl of *Northumberland*, by the Oath of Mr. *Henry Champion*, who was Steward to the Earls of *Northumberland*, and declared at that Tryal, that he found in the Books and Records of the *Percies*, that Sir *Inglaram Percy* was married, and had Sons and Daughters: so that a Verdict ought to have been had for the Plaintiffs Pedigree at that Tryal also. And Sir *John Coppleston* did not only shelter under Priviledge, but when the Writs of Error were put into the House of Lords, he then sued the Plaintiff in

in the Court of Kings-Bench, and got Cost, and broke the Priviledge of Parliament.

The third Tryal was against one Mr. *Wright*, for the like scandalous words, where your Petitioner proved his Legitimacy again, and not the Tythe of his Witnesses were examined ; for the Lord Chief Justice *Rainsford* stood up and said, Gentlemen of the Jury, we need not trouble the Court to examine more of the Plaintiffs Witnesses, by reason his Pedigree was fully proved before, at a former Tryal at the Bar of this Court : And when the Jury brought in but 300 *l.* Damages, the Lord Chief Justice was angry, and told them they had undervalued the Plaintiffs Cause ; (the Judgment exemplified under the Seal of the Court, makes appear the same.)

That the fourth Tryal against *John Blakeston* Esq; who was likewise an Agent for the Lady *Elizabeth Percy*, and kept her Courts, and did declare the like scandalous words, and gave it in all his Charges to the Jury and Tenants, to take special notice thereof : And at the Tryal on *Monday* the 11th of *November* 1678. the words were proved. The Declaration was allowed, after some debate upon a nice word, which was amended : But the Council for the Defendant started up an Attainder in the Case, which the Plaintiffs Council was not prepared at that time to remove that Objection, but the Tryal was put by at that time, and the Jury was withdrawn, as the Plaintiffs printed Book declares more at large. But the second part of that Tryal was upon the 6th of *February* 1678. a new Jury upon the motion of the Defendants Council did appear, and the Plaintiffs Council did clear that point concerning the Attainder, by reason the Plaintiffs Council made appear to the Court, that *James Percy* was descended from the Body of *Henry Percy*, 5th Earl of *Northumberland*, of Sir *Inglaram Percy* his youngest Son, and that the Collateral Line was never Attainted ; and therefore ought to enjoy the Title and Estate of his Ancestors Earls of *Northumberland*. Then the Defendants Council and the Court did own the Plaintiffs Title and Pedigree, but said there was no Lands to support the Title : then the Plaintiff prayed, that the Court would confirm what they owned by a Rule in Court ; whereupon the Lord Chief Justice *Scrogs* stood up and said, Confirm or not-confirm, the Declaration is naught, discharge *Blakeston* from the Suit of *Percy* ; notwithstanding the vast Charge the Plaintiff had been put to, by the Defendants sheltering under the senior Countess of *Northumberland's* Priviledges : And when the Duke of *Monmouth* had set aside her Priviledges, then he shelter'd himself under the Lord of *Essex* his Priviledge : And when the Plaintiff had made his complaint to the House of Lords, the Lord of *Essex* did agree with the Plaintiffs Council, that if Mr. *Clerk's* Cost was laid down in Court for his security, the Defendant Mr. *Blakeston* should not stand upon Priviledge, but go on to Tryal : Then the Lord Chief Justice *Scrogs* stood up and said, Mr. *Percy*, if you will lay down the 90 *l.* Mr. *Clerk's* Cost in Court, the Lord of *Essex* will not insist upon Priviledge, and we do promise you shall have a fair Tryal : Whereupon the Money was tender'd accordingly, and the 90 *l.* was got out of Court before he had notice by his Attorney Mr. *Hancock*, or before the Tryal was ended. And in truth the 90 *l.* the Opponents ought not to have had, by reason the 90 *l.* Cost ought to have been set aside upon their own Demurrer. Moreover it is to be noted, that Sir *George Jeffreys* was Council for the Plaintiff

Plaintiff at the fore part of the Tryal, and had taken 40 s. a Retaining Fee, and 3 l. a Pleading Fee, and had the Petitioner's Breviate ; but at the latter part of his Tryal, pleaded against the Petitioner, notwithstanding the Plaintiff tender'd him new Fees, and complained of him in Court. All which caused the Plaintiff to Appeal to the Parliament by two Writs of Error, to have the Errors argued, and his Title to be brought to an Issue, to be call'd to the Place and Seat of his Ancestors, according to his Birthright.

That the Kings most Excellent Majesty hath been graciously pleased to refer your Petitioner to the Lords in Parliament, to hear and determine his said Cause ; and to that purpose, he hath been at vast Charges in renewing his two Writs of Error, after every Prorogation ; and his Attorney hath received 60 l. only for the Kings Hand, besides all other Charges which far exceeded. And his said Attorney did promise your Petitioner, to get all his Breviates in a readiness against the Tryal, but did altogether fail, as the printed Petition hereunto annexed makes appear. Moreover he told your Petitioner sometime before, that he could have had a hundred Goineys to betray your Petitioner ; and some other of your Petitioners Council have been tempted with Bribes, but they were so Just as to refuse.

And now the Agents have surprized your Petitioner, for they knew the Error must have been proved against the Plaintiff Mr. *Blakeston* ; so that they would not take their Cost for that days disappointment, according to the prayer of the printed Petition, but have obtained the Writ of Error to be dismiss the Lords House, without any fair Hearing : so that all they have done, and do, is by way of surprizal, to tire the Claimant out of his just Right.

He therefore most humbly beseeches the Honourable House of Commons, as he is yet but a Commoner, that for the Glory of God, the Honour of our King and Kingdom, to stand up for Justice, so that Property and Right may be preserved, and the Oppressed may be relieved, for this is the 11th year of your Petitioners Claim : And intercede with the Kings most Excellent Majesty, and the Right Honourable Lords Spiritual and Temporal, not to suffer a Loyal Subject to be over-powered, but that his just Claim may be heard with patience, and determined in Justice ; and that your Petitioners Bill may be made an Act, to restore the true Heir to his Birthright, and that the Title and the Estate that is now dispersed into several hands, may be forthwith settled by an Act of Parliament.

* And he shall ever pray.

Near 200 l. the two Writs of Error have cost, for putting into Parliament, continuing and renewing after every Prorogation, and now they have Execution upon *Blakeston's* Writ of Error, before the Case is heard.

The Attorney-General said, Mr. *Percy*, Now you have no where to Appeal but to Heaven : But if Justice be not done on Earth, we may fear Gods Vengeance will come from Heaven : Therefore the Petitioner is forc'd to Appeal to those Worthies in the House of Commons for Justice, and therefore he hath annexed the printed Petitions.

TO

To the **KINGS** most Excellent Majesty;

And to the

Right Honourable Lords Spiritual and Temporal
in **PARLIAMENT** Assembled.

The Humble Petition of **JAMES PERCY.**

SHEWETH,

That after your Petitioner's Complaint against his Attorneys, *James Hooton, Edward Fyfield, and John Hancock*; Mr. *James Hooton*, one of your Petitioner's Attorneys, understanding the Complaints against him, sent the Writings by his Man, which came too late; out of which Papers his Breviates ought to have been drawn, which doth testify the Truth of your Petitioner's Complaint, and what he offered to confirm upon Oath before your Lordships.

Therefore your Petitioner most Humbly prays, That the two Writs of Error may be continued between Percy Plaintiff, and Blakeston Defendant, and Utting Plaintiff, and Coppleston Defendant; and that his Council that he hath Retained formerly, may be allowed your Petitioner to argue the said Cause: that is to say, Sir William Jones, Serjeant Pemberton, and Serjeant Simpson, and that a new day may be ordered now his Witnesses are in Town, and desires no longer time then his Council may well consider: And further prays, That a moderate Costs may be tax'd, upon account of the Attorneys Negligence.

And your Petitioner shall ever pray, &c.

JAMES PERCY.

It is hoped, that the Neglect of the Attorneys shall not destroy a man's Birth-right, Title and Inheritance.

Your Petitioner's Cause being before your Lordships to hear and determine, therefore humbly prays, that a new day may be Ordered, before his Witnesses be dispersed.

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TO

To the KINGS most Excellent Majesty, in PARLIAMENT.

The Humble Petition of JAMES PERCY.

SHEWETH,

THat this annexed Petition, fairly writ, was presented at the Bar of the Lords House the 10th Instant.

That your Petitioner is at a vast Charge in keeping his Witnesses in Town, waiting for an Order, and a Day appointed, according to the prayer of the said Petition.

He therefore prays, That your Majesty would be graciously pleased to call for the said Petition, and cause it to be Read; and that a short day may be appointed, that a fair Hearing may be had, to find out the Truth, and that Justice may be done accordingly: And let it not be said in England, that the Innocent are punished, and the Guilty go free: But call to mind how merciful God hath been, in Restraining your Majesty; Even so in pity Restore your poor distressed Subject.

And he shall ever pray, &c.

JAMES PERCY.

This Petition was presented into his Majesties Sacred Hand, the 15th of December 1680.

To lose such an Opportunity as offered on *Thursday* last, and now to trouble so good a King so oft, doubles your Petitioner's sorrows.

And that which adds to your Petitioner's misery, is, that he cannot dispose of his Witnesses, till a positive Order be had; for which he humbly prays.

Note these three following Presidents.

I. **T**HE Lord of Newport begg'd the *Percies* Land of the King, for the Duke of *Monmouth*, when the Duke was in *France*: but at the Duke's return, *Percy* the Claimant waited upon the Duke, to know his pleasure; and told him, That my Solicitor had betrayed me, for the *Percies* Lands were begg'd without the Claimant's consent or knowledge. Then the Duke replied, *Mr. Percy, you shall have a fair Tryal at Law*: And moreover he did promise he would not stand upon Priviledge: but when *Percy* was ready for a Tryal, then Trump up Priviledge. And *Mr. Ross* the Duke's Agent said, the Duke could not set aside his Priviledge: But the Duke said, if *Percy* proves himself Heir, I have no Right; and forthwith sold his Interest for an inconsiderable Sum of Money.

II. The

II. The Lord *Ogle*, that married the Lady *Elizabeth Percy*, would have assumed the name of *Percy*; and put in a Bill to be made an Act to settle the Lands upon him by Act of Parliament.

III. And it is reported that the Lord of *Essex* desired that some of those Lands might be settled upon him by Act of Parliament.

By this account the Lands are yet unsettled: *Ergo* then great reason it is, that the true Heir-Male of the *Percies* Bill should be made an Act of Parliament, to settle the Name, Title and Estate together again, according to the first settlement confirmed by his Ancestors.

Now your poor distressed and oppressed Petitioner humbly and freely offers, for the obtaining of Justice, and for the full satisfaction to the Kings most Excellent Majesty, and the Right Honourable Lords Spiritual and Temporal, and those Honourable and Worthy Members of the House of Commons in Parliament assembled, (if it be required and thought convenient, he being very unwilling to offer any thing that might give the least offence, but rather submit to their grave and mature Wisdoms) these Proposals following.

James Percy the Claimant and Plaintiff, will pay into the hands of any Trustees that shall be appointed to receive the Money in Trust for Mr. *John Copleston's* Costs, provided he likewise lay down the 90 *l.* taken by surprize out of Court before the Tryal was ended.

And Mr. *Utting's* Cost likewise shall be paid, for what Sir *John Copleston* claims; provided likewise that Sir *John Copleston* pay the 10 *l.* down, which he got when he ventured the Breach of Priviledge of Parliament: provided the whole Merits of the Cause may have a fair Hearing and Determination before the Lords: And if the Plaintiff and Claimant *James Percy*, doth not prove himself to be the right true and next Heir-Male in Bloud of the *Percies* of *Northumberland*, then let them take all the Money, and the Plaintiff will freely acquit his Claim for ever, and remain till death a Loyal Subject, and *James Percy*.

Although his Witnesses be dispers'd, a Weeks time will bring them to Town again, upon the sight of an Order.

For the Claimant *James Percy* (by Birth) ought to enjoy the Place, Seat and Priviledge of his Ancestors, Earls of *Northumberland*; but now he dares not appear, till an Order be had.

Therefore he most humbly prays, That a fair Hearing may be had, and that a true decision of his just Cause and Claim may be made, according to Justice: so that the Innocent may be preserved, and that the fraudulent practices not just may march off with shame: For Heroick Actions glorifies God, Honours the King, and makes all the people shout for joy.

God hath been pleased to make a true decision himself, which may be a president; for he sent the Claimant from his Mothers Womb with a Crescent into the World, which is Gods Ensign of Truth, and the very Badge belonging to the *Percies* Earls of *Northumberland*. In witness to this Truth, I have set to my Hand and Seal, this 3d. of *January*, 1687.

JAMES PERCY.



To the KINGS most Excellent Majesty,

The Humble Petition of JAMES PERCY.

SHEWETH,

THat it is a great grief to your Petitioner's Soul, to trouble your Sacred Majesty so often, in looking after his Just Right; yet cannot help it by reason his Opponents are of so great Power, Policy and Force.

That notwithstanding his Petition to the Right Honourable House of Lords, presented the day after his Hearing should have been had, the Opponents got that Writ of Error dismiss'd the House, well knowing the Errors would have been confirmed against them.

That thereby they have an opportunity to take out Execution against your Petitioner, and so to stop his further publick appearing.

That if that Writ be not recall'd into the Lords House again, your Petitioner can in no wise expect a fair Hearing, nbr a just decision of his Cause.

Therefore your oppressed Petitioner most humbly prays, That your Majesty would be graciously pleased to see Justice done herein, and that a new Day may be appointed, according to the Prayer of that Petition that is now before the House of Lords; or that your Sacred Majesty will be graciously pleased to call your Loyal Subject, by your Royal Writ of Summons, to take the Place and Seat of his Ancestors, Earls of Northumberland, he having proved his legitimate Descent and Pedigree at several Tryals at Law.

This Petition was presented into his Sacred Majesties hand Jan. 3. 1681.

All great and dubious matters the Children of *Israel* presented and laid open before *Moses*: Even so the Claimant hath done to his Majesty all along, knowing that in the King solely lyes the creation and preservation of Honour and Nobility.

But the King referred the Cause to the Lords to hear and determine; and now the two Writs of Error are dismiss'd the Lords House, without hearing the said Cause.

Now the Claimant *James Percy* finding himself over-powered, is forc'd to Appeal, and humbly prays for Justice: As Prerogative belongs to the King, so Property and Right belongs to his People.

F I N I S.

To the KING'S Most Excellent Majesty ;

The Humble Petition of JAMES PERCY.

SHEWETH,

THat Your Petitioner most Humbly Beseecheth, and Earnestly Prayeth Your Majesties Pardon, for that Omission on the Ninth of December last, which was in truth altogether the Neglect of his *Attorney*, as his Printed Petition sets forth.

That Your Petitioner Humbly presents these two Books, that your Most Excellent Majesty may see the real endeavours of Your Petitioner; and the first Book was Prepared for the Right Honourable Lords Spiritual and Temporal, to inform their Lordships: And the second Book is prepared to make his Complaints known to the House of Commons; so that They may Intercede in his Just Cause with Your Royal Majesty, and the Right Honourable Lords in Parliament.

Therefore Your Majesties Loyal Subject and Petitioner most Humbly Prays, That Your Royal Majesty will be Graciously pleased, Patiently to Read, and Seriously consider the Printed Complaints, and do Your Poor distressed Petitioner Justice, in restoring him by Your own Princely Power, Prerogative, and Clemency: He having at Law, fully proved his Pedigree: And therefore hath prepared a Bill, that it may be made an Act of Parliament, and most Humbly Prays Your Majesties Royal Assent thereunto. And that Your Majesties Royal Writ of Summons may forthwith call Your Loyal Subject, from the House of Prison, to the House of Peers: And there to take the Place and Seat of his Ancestors, Earls of Northumberland.

When King Pharaoh took Joseph out of the Dungeon, Then God fill'd Pharaoh's Barns with his Blessings. To which God Annex long Life, and a Prosperous Reign.

And Your Petitioner shall Pray,

JAMES PERCY.

This Petition was presented into his Sacred Majesties Hand Jan. the 17th. 1681. And did indeavour to present the two Books mentioned in the Petition; But a Gentleman stepping betwixt the King and my self, pulht me away; so that I could not Present the Complaint prepared for the House of Lords, against the day of Hearing: Nor this Complaint which is prepared for the House of Commons, (*my Opponents are great and Numerous,*) which forces the Claimant to Pray for Justice.

*An Affidavit made by JAMES PERCY, Claimant
to the Earldom of NORTHUMBERLAND.*

W Hereas Mr. *James Hooton*, did undertake the Carrying in two Writs of Error in Parliament, between *James Percy* Plaintiff, and *John Blackeston*, Esq; Defendant, for Scandalous Words, and in Ejectments for Lands, *Robert Utting* Gent. Lessee of the Plaintiff, and Sir *John Copleston* Defendant; And the aforesaid Mr. *Hooton* did receive Writings of *Percy* the Claimant long before the day of Hearing before the Lords; And did promise to fix all the Claimants Breviats, so as they might be ready for some Lords, and for the Council: But when the Claimant should have been prepared for his Counsel, then Mr. *Hooton* could not be found till the very Morning the Hearing should have been had; then he meeting the Deponent *James Percy*, at *Fetter-lane-end* in *Fleet-street*, and said whither are you going? *Percy* told him, *I am a going to make my Complaint against You, for keeping my Writings, and not making my Breviats ready for my Council*: And when *James Percy* had made his complaint in Parliament, and offered to make Oath before their Lordships to Confirm the truth: And when the Lords Commanded to withdraw, then Mr. *James Hootons Man* came into the Lobby, and there delivered the Writings to the Deponent, upon the 9th. of *December* 1678. Moreover the said *Hooton*, said some time before, that he was offered a Hundred *Guineys* to betray the said Deponents Case.

And on the 7th. of *January* 1681. The said *Hooton* came to the Deponents Chamber, and desired to see those Writings that belonged to those Writs of Errors, and did Write something out of them; saying, *He had not kept a Copy of them, which he ought to have done; but said He had enough now to do his business*: and further said, *there was one sheet wanting*: Which shews how careful he was of his Claimants Cause; And yet threatens he will Sue the Claimant for Defaming him in his Practise.

*Jur' 18. die January 1680.
coram me Magistro Canc'
John Hoskyns.*

JAMES PERCY.

The Deponent Humbly Prays for speedy Justice, and that he may be forthwith called from the Prison of Kings-Bench, into Parliament, to take the Place of his Ancestors, Earls of Northumberland, according to his Birth-right, and that the two Writs of Error, may be Re-manded back, and the Execution stopt. For his Witnesses continue still in Town: Hoping by your Mature Wisdoms, to obtain an Order for a new day of Hearing; for which he Prays, as by his Petition all along appears.

*An Affidavit made by JAMES PERCY Claimant to the
Earldom of NORTHUMBERLAND.*

WHereas *Adlard Welby* Gent. is Attourney for *John Blackston* Esq;
Def. this Deponent *James Percy* on the 21^h. instant, went to
Mr. Welby, and offer'd an Agreement: And whereas Cost of 70 odd *l.* is
demanded of me the Plaintiff, the Deponent demanded 90 *l.* which was
but tendred into Court upon my Lord Chief Justice *Scrogs*'s promise
that the Lord of *Essex* would not insist upon Priviledge, and that the De-
ponent *JAMES PERCY* should have a fair Tryal: the Money was not
intended for the L. of *Essex* really, but it ought to have been reman-
ded back again to the Plaintiff *JAMES PERCY*; for that 90 *l.* costs
pretended for *Mr. Clark*, was Sued for by Capt. *Biggerstaff* that mar-
ried the Relict of *Mr. Clark*; And that 90 *l.* Costs ought to have been
set aside upon their own Demurter; therefore *Mr. Welby* Reply'd, I
must complain in Court: The *Writs of Error* ought to have been
heard, debated, and determined by the Right Honourable Lords in
Parliament; But it was blown over, as by the Printed Complaint,
(prepared to present to the Honourable House of Commons appears)
But it is hoped the *Writs of Error* may be Re-manded back into Par-
liament; to have a fair Hearing: Or if the Plaintiff and Deponent
be forced to pay the 70 odd Pounds Cost; then the 90 *l.* ought to be
Refunded to the Deponent,

Jurat. 22. die Jan. 1680.

John Hoskins.

JAMES PERCY.

IT is very hard for a man to be kept out of Possession, and his
Opponents mannage all their Suits at Law against him with his
own Estate; and that will not serve their turns, but they covet to get
from the Claimant by Fraud, so that they may totally Ruine and
disable him from prosecuting his Birth-right.

JAMES PERCY, (the true and lawful Heir-male to the *Percy's*
Earls of Northumberland;) hath found more *Injustice* and *Hardships* here
in *England*, than the Children of *Israel* found in *Egypt*, when they made
Brick, and were forc'd to gather their own Straw to burn them.

When *Joseph's* good Works were forgot, then his Brethren suffer'd;
But now the *PERCY's* good deeds are forgot, their lawful Succes-
sor suffers in Prison; And therefore earnestly prays for a speedy De-
liverance. My great Pains, and Charge in Printing, is really inten-
ded rightly to inform the world, thereby to remove Oppression, and
to revive justice.

To

To the Kings Most Excellent Majesty.

The Humble Petition of JAMES PERCY.

Sheweth,

That Your Petitioners Opponents have obtain'd their Desires, for your Petitioner is in Prison

That Your Majesty was Graciously pleased to say, *God forbid that We should hinder an Heir, but that he should have the Benefit of the Law;* And to that end Sir John Berkenhead was sent by Your Majesty to the Attourney General.

That Your Petitioner hath proved his Legitimacy and Pedegree, at four several Tryals at Law, whereof one is exemplified under the Great Seal of Your Majesties Court of *Kings-Bench*, (where Your Petitioner is now a Prisoner) upon that Writ of Error the Lord Chief Justice *Scroggs* so wilfully gave the Cause away, after Your Petitioner had fully proved his Pedegree, and to be Descended from the Body of *Henry Percy*, fifth Earl of *Northumberland*, and Cousin and next Heir-Male to *Josceline Percy*, late and eleventh Earl, deceased.

Therefore He most Humbly Prays that Your Most Excellent Majesty would be Graciously pleased to Order the Lord Chancellour forthwith to call (by Your Majesties Royal Writ of Summons) Your Petitioner from the House of Prison, to the House of Peers, to take the Place and Seat of his Ancestors Earls of *Northumberland*, as it is his Birth-right and Title proved at Law: God in his Justice and Mercy restor'd Your Majesty to Your Crown and Kingdoms; even, so let Your Majesty in Equity and Pity Restore Your poor Distressed Subject.

And Your Petitioner shall ever Pray, &c.

JAMES PERCY.

THis Petition was offer'd to His Majesty the 24th. of *January 1688.* and His Majesty was pleas'd to say, *He would not receive it;* But said, *You may go where You please;* Which Saying was taken for an Answer to that Petition presented the 17 of *January;* Wherein it was to be understood, the Petitioner had prepared his Complaints for the House of Commons. (It is to be noted,) That the Gentlemen who attended the King, said, *Tonder is the E. of Northumberland with a Petition; why should Your Majesty trouble Your self with it? had You not one the other day? reject it.* I have found His Most Excellent Majesty hath been inclinable to Justice all along, but still is obstructed by one means or other: But the plain Truth is, His Majesty would not be seen to give and ungive at his own pleasure, His Majesty being mistaken in his Guits; Therefore was Graciously pleased the Lords should Hear and Determine the said Cause; And to that purpose, did come down to the Bar in the House of Lords to hear the Cause Himself; but was disappointed, (as by the *Petitions* and *Affidavits* appear:) But the said Cause having been continued a long time at such a vast Charge; and then to be slightly blown over without a fair Hearing, all the World much admires; For the clearing up of the Pedegree, would have confirm'd the Errors.

Therefore Your Petitioner Appeals to the Honourable House of Commons; And most Humbly and Earnestly prays your Assistance, to enquire the Reason why, and how the Writs of Errors came to be dismiss; And that they may be Re-manded back, that a fair Hearing may be had according to the Prayer of the Petitions; Or that You will be pleased to cause the Heralds to enquire into the Truth of the Claimants Pedegree; And that He may be call'd from the *Kings Bench Prison*, to the House of Peers, to take the Place and Seat of his Ancestors, Earls of *Northumberland*.

And Your Petitioner shall ever Pray, &c.

JAMES PERCY.

Right Honourable,

I Am your Cousin, (though a Prisoner) descended from the Body of *Henry Percy 5th. Earl of Northumberland*; By which Descent I am Cousin and next Heir-male to *Josceline Percy* your Father the late and 11th. Earl of *Northumberland*, Deceased. A Prison is a Grave for Men alive; But when *Naboth* was ston'd to death, then *Ahab* took possession of the Vinyard, 1 *Kings*. 21. 18. And walking in the Garden among the Beds of Pleasure, then God sent his Prophet *Elias*, to tell *Ahab* of his Transgression, (notwithstanding he was a King.) *Ezekiel* 46. 18. When *Belshazzar* was quaffing in the Gold and Silver Vessels of the Temple, then appear'd the Hand-writing upon the Wall, *Dan.* 5. When your late Husband the Lord *Ogle* went about to assume the name of *Percy*, and to have the *Percies* Lands settled upon him by Act of Parliament, then God call'd him to Accompt; Therefore let Your Ladyship do Justice speedily, and submit to Truth in Time, for fear God calls You to Accompt also. I believe Your Servants and Agents have rendred Me to You to be a Monster, and not a Man; Be not too subject to Believe Them, but see with your own Eys, and hear with your own Ears; and admit Me into Your presence, for I have something to offer that will add Fame to Your Honour, and Rank You with those Two Worthy Women of our Family, the Lady *Agnes Percy*, who preserved the *Percies* Name, and the Lady *Lucy*, that settled her Estate upon the Heirs Males of the *Percies* for ever; And for ever that Estate must attend the Title; And the Fines can never be recover'd but by the true Heir-Male of the *Percies* Mr. *Gee* can inform You (if he pleases,) how I was at *Petworth* in the Year 1654. And then, and there made my Claim as I do now; And before Mr. *Clark's* Tryal, Your Agents, with their Councel, would have own'd Me to be the next Heir, and would have assisted Me for the Title with their Books, Pedigree and Records: And also how I met with Mr. *Champion* and Mr. *Gee* at Doctor *Lamplsey's* House, and there made out my Pedigree clear, only I could not find out my Great Grand-fathers Name; First, it was a very hard Name; And Secondly, Mr. *Champion* kept it secret till he was forc'd to declare upon his Oath, that Sir *Ingelram Percy* was Married, and had Sons and Daughters, at Sir *John Copleston's* Tryal for *Cannington* and *Rodaway* Lands in *Somersetshire*. Thirdly, The *Heralds* had altogether neglected the Collateral Line of the *Percies*. Now all my Aim is really to beget a right understanding, so that I may remain,

*Your Ladyships Real, Cordial, and Faithful Kinsman,
and most Humble Servant,*

JAMES PERCY.

What I have to declare to your Ladyship is not convenient to be committed to writing, but assure your self it really tends to your present Welfare, and future Peace and Prosperity.

An Answer will find me in the Kings-Bench-Rules, at the Written Table at Captain Dancer's House in Lombard-street, near the Bowling-green, in the Borough of Southwark.

This Letter was presented the day of the date hereof; and the Claymant hath printed it, that the world may see that a true *Percy* is not ashamed of his Innocent and Just Cause, nor afraid of his Potent Opponents; For he whom I trust in, is greater than they, 5 *Eccles.* ver. 8.

Now in these our days there is no Prophet *Gad*, *Michaia*, *Elijah*, nor Interpreters of Dreams, like *Joseph* and *Daniel*, that darts presume to speak to Kings as they did in those days.

Therefore *James Percy*, the true Heir-male of the *Percies*, Earls of *Northumberland*, humbly makes bold with the Prophet *Ezekiel*, cap. 46. ver. 18. Moreover the Prince shall not take of the Peoples Inheritance by oppression, but he shall give his Sons Inheritance out of his own Possession, that my People be not scattered every man from his Possession. The

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The King's Most Excellent Majesty's Gracious Answer was to the Claimant's first Petition, 1670. *God forbid that we should hinder an Heir, but that he should have the Benefit of the Law*: And to that purpose His Majesty ordered Sir John Berkenhead (Master of Requests then in waiting) to go to the Attorney General, to know why he refused to sign the Co-warrant which the Claymants Solicitor, Mr. Thomas Swain presented to him to sign? But the Attorney General said, *He could not sign Percie's Co-warrant, by reason that he was of Council for the Countess of Northumberland*: And the Court of Wards being put down did much wilderness the Claimant in his Proceedings, and no less than nine several Persons have stood upon and been shelter'd under Privilege, which hath been the cause of delay all this time.

And from that time Mr. Swain (the Claymant's Solicitor) began to play the Devil with two sticks; for whilst James Percy was prosecuting the Law, and delivering Declarations in Ejectments in the North, the Solicitor had contriv'd the business so, as the Title and Lands were begg'd, dispos'd and scatter'd before the Claymant returned, and then pretended the Co-warrant, with other Writings, was lost, which cost a considerable Sum of Money, and then arrested his Clyent James Percy in three several Suits at Law, which continued three years; But the Solicitor Swain was overthrown in all the 3 Actions; moreover the Claymant James Percy was in those travels poisoned at New-Castle, arrested at York in two Actions of 20000 l. each Action, and then durst not proceed at Law, but let the Actions fall, and paid 40 s. Cost, a poor satisfaction for a night and two days Imprisonment, and maintaining my two Men and three Horses, besides the Charge of spunging Burns; And the Actions were in the Lord of Essex, and Mr. Clark, and others Names: And to fill up the measure of malice, they published in the *English Gazette*, and the *French Gazette*, *That the Claymant was an Impostor*; And Mr. Blackston said in all these Courts, *That the Claymant's Name was not Percy*, but declared him to be a Bastard; with many more scandalous wordr, which were proved at that Tryal before the Lord Chief Justice Seroggs, notwithstanding he discharged Mr. Blackston and Sir George Jeffreys at that Tryal, took Fees on both sides, so the Claymant James Percy was clearly bought and sold, and proved to his Damage 12000 l. Besides, it was the occasion of this his present Imprisonment, upon the Writs of Error that were so strangely dismiss'd the House of Lords without any Hearing; notwithstanding the renewing and continuing after every Prorogation, cost in all above 300 l. And now the Claymant James Percy hath used all ways and means possible, (as by his Petition and publick Prints appears) and cannot proceed further without the Assistance of the Honourable House of Commons. His Majesty is much troubled, and the Claymant really believes that His Majesty had a cordial Desire to hear and see the Cause determined, as by His coming up to the Bar of the House of Lords, that day the Hearing should have been had. Besides, His Majesty may perceive, I shall never leave my Claim, till Justice be done, by reason I now know it is my Right by Birth and Blood, and that the sole power of creating and preserving Honour rests in His Royal Breast, as Flowers in the Crown: And by the Coronation-Oath, the King cannot take Titles from one Peer, to give to another Peer. But as God hath in mercy restored His Majesty to His Crown and Kingdoms, even so ought the King in Justice to restore every Loyal Subject to the Birth-right, Title and Inheritance of his Ancestors. It was very hard at first for the Claymant to find out the Name of his great Grandfather, by reason he was in his Childhood brought up amongst his Mothers Relations; And in the troublesome times (he being a Royalist) was forced to abscond and travel for many years,

But the Adversaries did wilderness the Claymant, in hiding his great Grandfathers Christian Name from him: For Sir Ingelram Percy was the Claymant James Percie's Great Grandfather, and youngest Son of Henry Percy 5th. Earl of Northumberland; and this Collateral Line was never attained; and therefore ought to be restored according to Henry Percy the 5th. Earls Patent, and not under the Patent of the New-Creation by Queen Mary for Thomas Percy, 2d. Son of the 5th. Earl, was attained, but Sir Ingelram Percy 3d. Son was Innocent, and so hath his Issue continued to this day: And therefore prays for speedy Justice: Justice removes oppression, Glorifies God, Honours the King, Rejoyces the People, puts an end to your troubles, and ratifies Peace, for which the Petitioner prays.

For Henry Percy, 5th. Earl, Great Great Grandfather, had Sir Ingelram Percy, Great Grandfather, who had Henry Percy Grandfather, and he had Henry Percy Father of the Claymant.

JAMES PERCY.

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